

REMARKS

Upon entry of this amendment, claim 99 is pending.

Claim Rejections -- 35 U.S.C. § 132 and 112

Claim 99 is rejected under 35 U.S.C. §132 because it introduces new matter and under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claim 99 recites:

An antibody that immunospecifically-binds to a polypeptide consisting of amino acids 28-538 of SEQ ID NO:5, wherein said antibody does not immunospecifically bind to the polypeptide of SEQ ID NO: 52.

The Examiner acknowledges that the specification teaches antibodies that bind to a polypeptide relating to the human extracellular domain of SEQ ID NO: 5 (e.g., SEQ ID NOS 28-538). The Examiner argues, however, that the specification does not provide support for antibodies that bind to this region, but exclude binding to the corresponding mouse sequence (i.e., SEQ ID NO: 52). Specifically, the Examiner argues:

“There is nothing in the original specification or claims that supports antibodies specific for a portion of SEQ ID NO: 5 that do not bind SEQ ID NO: 52.”

Applicants respectfully disagree. The specification provides support for antibodies that are specific to a portion of SEQ ID NO: 5. Specifically, the specification teaches methods for creating antibodies that are *specific* to a human NOV protein (i.e., SEQ ID NOS: 28-538 of SEQ ID NO:5)(*see* page 45:28-46:7), as well as methods for screening antibodies that possess the desired specificity (*see* pg. 46:24-30).

Therefore, since the specification provides support for antibodies that are specific for the human NOV protein, Applicants submit that claim 99 does not introduce new matter. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

CONCLUSION

Based on the instant amendments and remarks, Applicants submit that this application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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